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Attorneys for Plaintiff-Counterclaim Defendant,
Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SUN MICROSYSTEMS, INC., a Delaware corporation

CASE NO. C-08-01641 EDI

**STIPULATION AND [PROPOSED]
ORDER EXTENDING DEADLINE FOR
MOTIONS TO COMPEL**

Plaintiff-Counterclaim Defendant.

v

NETWORK APPLIANCE, INC.

Defendant-Counterclaim Plaintiff.

In its July 2, 2008 Case Management Scheduling Order, the Court did not specify a deadline for filing motions to compel discovery responses. Civil Local Rule 26-2 provides that motions must be filed within 7 court days of the close of discovery. In its July 9, 2009 Scheduling Order, the Court set November 6, 2009 as the close of fact discovery. As a result, the deadline for filing motions to compel concerning fact discovery is November 18, 2009.

The parties (between themselves and with third-parties) have been, and continue to be, engaged in what appear to be fruitful negotiations concerning their respective discovery responses. However, the volume of issues to work through is such that the meet-and-confer

1 process is not yet complete. In light of this, the parties are concerned that discovery issues may
2 be raised with the Court unnecessarily under the current schedule. Because the parties believe
3 that continued discussions are likely to reduce the number of discovery disputes raised with the
4 Court, they hereby stipulate through their respective counsel of record, subject to the Court's
5 approval, that the deadline for filing joint letters seeking to compel fact discovery be continued
6 until November 23, 2009.

7
8 Dated: November 13, 2009

DLA PIPER LLP (US)

9
10 */s/ Christine K. Corbett*
11 MARK D. FOWLER
12 DAVID ALBERTI
CHRISTINE K. CORBETT
YAKOV M. ZOLOTOREV
CARRIE L. WILLIAMSON

13 Attorneys for Plaintiff, Sun Microsystems, Inc.

14 Dated: November 13, 2009

WEIL, GOTSHAL & MANGES LLP

15 */s/ Jeffrey G. Homrig*
16 Matthew D. Powers
Edward R. Reines
Jeffrey G. Homrig
Jill J. Ho

17
18 Attorneys for Defendant, NetApp, Inc.

19 **IT IS SO ORDERED.**

20 Dated: November 16, 2009

21 *Elijah R. D. Laporte*
22 UNITED STATES MAGISTRATE JUDGE
ELIZABETH D. LAPORTE